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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOSEPH HOROWITZ

Plaintiff,

v.

UNITED STATES OF AMERICA, AND
DOES 1-15, et al.

Defendants.

Case No. C 17-02898 KAW

**STIPULATION AND ~~[PROPOSED]~~ ORDER
CONTINUING MEDIATION DEADLINE**

Pursuant to Local Civil Rules 6-1 and 6-2, defendant United States of America (“Defendant”) and plaintiff Joseph Horowitz (“Plaintiff”), by and through their respective counsel, hereby jointly and respectfully request that the Court continue the Alternative Dispute Resolution (“ADR”) deadline in this matter to October 5, 2018. In accordance with Local Civil Rule 6-2(a), this stipulation is supported by the Declaration of Ann Marie Reding and a proposed order, which are filed herewith. The parties stipulate as follows:

1. On May 15, 2017, Plaintiff filed his Complaint in this case. Dkt. No. 1.
2. On November 1, 2017, the Court referred this case to mediation. Dkt. No. 20.
3. In October 2017, the parties agreed to mediate this case within 150 days of the Court’s order referring the case to mediation. Dkt. No. 20. Accordingly, because the Court referred this case to

1 mediation on November 1, 2017, the parties' last day to mediate the case is currently March 31, 2018.
2 See Declaration of Ann Marie Reding ("Reding Decl."), ¶ 2.

3 4. On December 29, 2017, Patricia Kenney was appointed to mediate this case. Dkt. No. 24.

4 5. On January 11, 2018, the parties filed a stipulation requesting leave for Plaintiff to file a
5 First Amended Complaint, and on January 22, 2018, the First Amended Complaint was deemed filed.
6 Dkt. Nos. 25, 26.

7 6. On February 2, 2018, the parties participated in a pre-mediation telephone conference
8 with Ms. Kenney. Reding Decl. ¶ 4.

9 7. On February 5, 2018, AUSA Ann Marie Reding filed a notice of substitution of counsel
10 for the United States. Dkt. No. 28.

11 8. On February 5, 2018, Defendant filed its Answer to Plaintiff's First Amended Complaint.
12 Dkt. No. 29.

13 9. On or shortly before February 2, 2018, Defendant learned that Plaintiff is alleging a
14 traumatic brain injury. Reding Decl. ¶ 5. Previously, counsel for Defendant believed Plaintiff's alleged
15 brain injury was limited to a concussion, as alleged in the Complaint and First Amended Complaint. *Id.*

16 10. With the current mediation deadline of March 31, 2018, Defendant will not have enough
17 time to conduct an appropriate workup of Plaintiff's alleged damages, in particular, the traumatic brain
18 injury. *Id.* ¶ 6. In order to allow time for the parties to conduct appropriate discovery, retain experts, and
19 evaluated liability and damages in this case, the parties agree that mediation after the close of discovery
20 and prior to the filing of any motion for summary judgment, would be appropriate. *Id.*

21 11. Pursuant to the Court's Case Management and Scheduling Order, the last day to file
22 dispositive motions is October 11, 2018. Dkt. No. 23.

23 12. No prior extensions of time have been requested or granted. Reding Decl. at ¶ 8.

24 13. The requested time modification will not impact any other deadline imposed by the
25 Court. *Id.* at ¶ 9.

26 14. In light of the foregoing, the parties request that the Court continue the last day to
27 mediate this case until October 5, 2018.

1 DATED: February 13, 2018

Respectfully submitted,

2 ALEX G. TSE
Acting United States Attorney

3 /s/ Ann Marie Reding
4 Ann Marie Reding
Assistant United States Attorney

5 DATED: February 13, 2018

Respectfully submitted,

7 /s/ Leon Roubinian
8 Leon Roubinian
9 Attorney for Plaintiff

10 **~~PROPOSED ORDER~~**

11 Plaintiff and Defendant's Stipulated Request to Continue the ADR deadline is hereby
12 GRANTED. The last day to mediate this case is October 5, 2018.
13

14 Date: 2/14/18

15 Kandis Westmore
16 HON. KANDIS A. WESTMORE
United States Magistrate Judge